

REMARKS

Regarding the Office Action:

In the Office Action, the Examiner rejected claims 1-5, 11-14, and 20 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,396,772 to Yabe, et. al. ("Yabe"). Claims 6-10 and 14-19 were objected to as being dependent from a rejected claim, but were stated to be otherwise allowable. Applicants traverse the rejections and objections, for the following reasons.¹

Rejection of Claims 1-5, 11-14, and 20 under 35 U.S.C. § 102(e):

Applicants traverse the rejection of claims 1-5, 11-14 and 20 under 35 U.S.C. § 102(e) as being anticipated by Yabe. In order to properly establish anticipation under 35 U.S.C. § 102, the Federal Circuit has held that "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). Furthermore, "[t]he identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1126, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). See also M.P.E.P. § 2131.

Yabe does not disclose each and every element of Applicants' claimed invention. Specifically, Yabe does not disclose at least Applicants' claimed "power source input detecting circuit *for detecting an input of a second power source*," (emphasis added), as recited in claim 1. The Examiner asserted in the Office Action that a power

¹ The Office Action may contain statements characterizing the related art, case law, and claims. Regardless of whether any such statements are specifically identified herein, Applicants decline to automatically subscribe to any statements in the office action.

consumption detection unit 106 of Yabe corresponds to “the power source input detecting circuit” recited in claim 1 (Col. 11, line 38 to col. 12, line 23; fig. 11). This is not correct.

The power consumption detection unit 106 of Yabe “detects power *consumed by driven units*.” (Col. 11, lines 43-44, emphasis added). However, this does not constitute a “power source input detecting circuit for detecting an *input of a second power source*” as recited in claim 1.

For at least this reason, Yabe does not anticipate claim 1. Claim 1 is therefore allowable, and dependent claims 2-5, 11-14, and 20 are also allowable at least by virtue of their dependence from allowable base claim 1. Applicants request that Examiner withdraw the improper 35 U.S.C. § 102(e) rejection of claims 1-5, 11-14, and 20.

Because independent claim 1 is allowable for reasons set forth above, claims 6-10 and 15-19 that were objected to as being dependent upon a rejected claim are also allowable. Therefore, Applicants request that the Examiner withdraw these objections.

Conclusion:

In view of the foregoing, Applicants request reconsideration of this application and withdrawal of the rejections and objections. Pending claims 1-20 are in condition for allowance, and Applicants request a favorable action.


Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: June 16, 2008

By:

for  #27432
Arthur S. Garrett
Reg. No. 20,338